



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

Certified Mail #: 7007 0710 0003 3085 4191

January 8, 2013

Central Maine Power Company
83 Edison Drive
Augusta, ME 04333
ATTN: Douglas Herling

Re: Third Letter of Warning (LOW), MPRP project, Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N *Corrected Copy

Dear Mr. Herling:

This letter is to inform you that the incidents documented in the third party inspection reports for Maguire Road Substation dated December 18, 2012 and Segment 24 dated December 21 & 22, 2012 revealed a failure of your company to comply with Maine's *Protection and Improvement of Waters Act*, 38 M.R.S.A. § 413, the *Erosion and Sedimentation Control Law*, 38 M.R.S.A. § 420-C, Special Condition #2 of Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N, and the *Site Location of Development Law*, 38 M.R.S.A. § 483-A, during construction of the MPRP project.

Specifically, the actions or inactions taken by *Cianbro Corporation & its subcontractor Shaw Brothers Construction during the construction of the Maguire Road Substation, Kennebunk, has led to a documented discharge of sediment into one stream and one freshwater wetland. The cause of the discharge at Maguire Road Substation was a combination of frozen ground conditions, heavy rainfall, inadequate erosion control measures and grading activity at the project site. It is the Department's opinion that similar site conditions led to the discharge of sediments at other substations cited in a prior LOW. The actions or inactions taken by Hawkeye during the installation of the transmission line in Gorham, Segment 24, led to a documented discharge of sediment into one stream. The cause of the discharge on Segment 24 was a saturated clay spoil pile, placed on an upland area without adequate erosion control measures, that drained to a roadside ditch and subsequently a stream.

The purpose of this letter serves to inform you that by conducting or causing to be conducted an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource, Central Maine Power Company and its contractors have violated Maine's *Protection and Improvement of Waters Act*, 38 M.R.S.A. § 413, the *Erosion and Sedimentation Control Law*, 38 M.R.S.A. § 420-C, Special Condition #2 of Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N, and the *Site Location of Development Law*, 38 M.R.S.A. § 483-A.

Subsequent third party inspection reports have indicated that corrective actions have been taken and that appropriate erosion and sedimentation measures are being installed and maintained. These measures must be maintained and kept in place and functional until the site is permanently stabilized.

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The Department requests the following corrective actions (note that the first two were also listed in the first LOW dated December 28, 2011 and a second LOW November 20, 2012):

Requested Corrective Actions:

1. Implement the approved erosion and sedimentation control plan in Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N. If prescribed erosion and sedimentation controls are not adequate based on specific site conditions, employ additional measures.
2. Send a copy of this LOW to the contractors involved in the above noted violations and note that the Department may cite all parties responsible for violations in any future enforcement actions.
3. Conduct refresher erosion & sediment control training for all earthmoving contractors (and subcontractors) during the late winter/early spring of 2013. This training should have a special section that discusses how to deal with turbidity (construction planning, limiting the disturbance of soils with high clay and silt content, minimizing the amount of those soils open at any one time, temporary erosion & sedimentation control methods to employ once soils are suspended, and the importance of temporary & final stabilization of soils). Training should be attended by contractor management, environmental inspectors (contractors, Burns & McDonnell and the Department's third party inspectors) as well as field supervisors. Provide documentation to the Department on when the trainings occurred, the attendees and agenda items covered.
4. Prior to February 5, 2013, prepare and submit to the Department typical details of erosion control measures that will be installed in work areas containing soils with high clay and silt content. These structural measures could include, but are not limited to, sediment retention barriers, compost or sand filter berms, treatment ditches, and sedimentation basins with flocculent materials. The Department requests that your company consult with erosion control specialists or other experts that are familiar with Maine soils in the preparation of these typical details.

The Department views these ongoing violations as a serious matter. The Commissioner supports this LOW and has expressed a real concern that your company continues to cause the discharge of sediment and turbid water into Maine's protected natural resources. Provided that you complete the requested corrective actions, detailed above, to the Department's satisfaction, the Department is willing to resolve this matter without formal enforcement action.

If you have any questions about the requirements of this letter, please call me at (207) 557-2624.

Thank you for your prompt attention to this matter.

Respectfully,



Dawn Hallowell
Licensing & Compliance Manager
Central Maine Regional Office

cc: File
Ed Beene, Burns & McDonnell